

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

DAVID CARL ARNDT

Defendant.

Criminal No. 04-CR-10166 (RGS)

UNITED STATES' OPPOSITION TO DAVID C. ARNDT'S MOTION FOR
REVOCATION OF MAGISTRATE'S DETENTION ORDER OR, IN THE
ALTERNATIVE, AMENDMENT OF DETENTION ORDER TO GRANT CONDITIONAL
RELEASE

David C. Arndt is a 43 year old, former orthopedic surgeon, and resident of Boston, Massachusetts. Arndt's license to practice medicine was suspended in August of 2002 by the Massachusetts Board of Registration in Medicine. Despite the longstanding support of caring and well-to-do parents, and the opportunities and accolades bestowed upon him throughout his life, Arndt has generated a substantial criminal history ranging from a federal criminal fraud conviction to multiple charges for child rape. Defendant now also faces serious drug distribution charges that mandate a minimum sentence of 10 years imprisonment.

On May 27, 2004, defendant was indicted by a Massachusetts federal grand jury. Contrary to defendant's continued insistence that the charges in the Indictment are identical to those charged in Middlesex County, Count One arose out of a much broader

conspiracy investigation that began after the August 2003 incident charged in Middlesex County. Count One charges defendant with a conspiracy to distribute and to possess with intent to distribute over 500 grams of crystal methamphetamine, a conspiracy in which defendant would regularly travel to New York City to purchase methamphetamine personally from sources there. Count Two charges defendant with possession of over 500 grams of methamphetamine, which was secreted in a pink pinata and received by Arndt through Express Mail from a different source in Los Angeles, California in August 2003.

On August 8, 2004, United States Chief Magistrate Judge Marianne B. Bowler issued an order detaining the defendant. The Magistrate conducted three days of detention hearings in which the defendant was represented by Richard A. Egbert. In the detention order, found at United States v. Arndt, 329 F.Supp.2d 182 (D. Mass. 2004), the Magistrate meticulously and exhaustively analyzed the record and the basis for detention. Considering each of the factors under 18 U.S.C. §3142(g) in turn, the Magistrate carefully determined that defendant posed a danger to the community and there were no conditions or combination of conditions that will assure the safety of any person or the community or that will assure the appearance of the defendant as required. Id. 197-200. The Order is clearly supported by the record and should be affirmed. Thus, the government hereby

opposes the defendant's Motion for Revocation of the Magistrate's Detention Order.

I. THE GOVERNMENT'S CASE AGAINST DAVID C. ARNDT¹

A. COUNT I: ARNDT'S RECEIPT OF METHAMPHETAMINE IN PINK PINATA FROM LOS ANGELES SOURCES

On August 7, 2003, a package addressed to Frank Castro, c/o the Chandler Inn, 26 Chandler Street in Boston was intercepted by a United States Postal Inspector in Los Angeles. 329 F.Supp.2d at 189. The return address listed the sender as Hector Medina, 1605 Martel Avenue, # 7 Los Angeles, California. Id. The package contained approximately two pounds of 94 percent pure crystal methamphetamine. Id. This methamphetamine was secreted inside a pink pinata. See Id. Postal Inspector Michael McCarran in Boston conducted a controlled delivery of this package to Arndt at the Chandler Inn. See Id. at 189-190. On August 8, 2003, Arndt was registered at the Chandler Inn and signed for the package. See Id. at 190. Arndt was subsequently approached by Inspector McCarran. Id.

Arndt made a number of statements to the Inspector. Arndt flatly denied that the package was for him, denied that he had made the inquiries about the package, and denied that he had sent

¹ The facts set forth are based on the Magistrate's findings, the testimony of Inspector McCarran, the transcripts of which are attached to the Defendant's Motion, and the detention exhibits, some of which are produced again with this brief as Exhibits A-D, and F.

any package to Los Angeles (payment for the drugs), insisting that the package was for Frank Castro who was coming forthwith to the hotel to pick up the package. See Id. at 190-92. These were all lies as revealed by McCarran's testimony during the detention hearing as follows: (a) toll records show that defendant's cellular phone demonstrated that on six occasions prior to picking up the package, defendant call the "800" package tracking number (Id. at 190); (b) Frank Castro never appeared at the Chandler Inn (Id.); (c) the real Frank Castro, a physician who had attended college with Arndt, verified that he had not been in recent contact with Arndt and had not been planning to be in Boston, having had seven surgeries scheduled on August 8th and being on-call on the 8th and 9th (Id. at 191); (d) during the execution of the search of Arndt's computer, McCarran found postal receipts for a package sent to Los Angeles on August 5th from the Kendall Square Post Office (Id.); and (e) McCarran obtained surveillance films for this post office for August 5th and on the videotape he observed Arndt mailing a package (Id.).

**B. ARNDT'S CONSPIRACY TO DISTRIBUTE METHAMPHETAMINE WITH
NEW YORK CITY SOURCES**

After Arndt's arrest on August 8, 2003 arising out of the Chandler Inn incident, he was charged in Middlesex County for possession with intent to distribute drugs. Inspector McCarran then initiated a broader investigation into the defendant, along

with the Drug Enforcement Administration and Federal Bureau of Investigations. Law enforcement later secured the cooperation of four (4) cooperating witnesses, hereinafter designated CW-1 through CW-4, who described Arndt's drug dealing as extending far beyond the Chandler Inn incident. The investigation revealed Arndt to be an "experienced drug dealer and not a casual drug user", dealing pound quantities of methamphetamine "a highly addictive stimulant produced in clandestine laboratories in the western part of the United States." Id. at 197 & 199.

McCarran reviewed tape recordings of telephone conversations made by Arndt while he was in custody at the Nashua Street jail in Boston between August 13, 2003 and September 14, 2003. During one conversation defendant stated that he took a loss of "forty or fifty" because of the package. Id. at 191. In another conversation, Arndt told his former partner, Alfredo Fuentes, that Arndt had someone take drugs out of their apartment so that the drugs would not be found. Id. at 192.

CW-1 named Arndt as one of his customers who traveled to New York City on at least five or six occasions to purchase a pound of methamphetamine at a cost of approximately \$25,000. Id. Arndt paid in cash, in stacks of \$2,000. Id. CW-1 was corroborated by Arndt's travel records reflecting his travel between Boston and New York City, Id., as well as toll records showing calls between CW1, CW1's partner, and Arndt for that time

period, corresponding with Arndt's travel to New York City. Furthermore, Arndt was searched at Logan Airport on June 19, 2003, traveling to New York City and was found with \$19,000 "artfully concealed on his person in his jacket and throughout his carry-on bag". (Id. at 192; See also Incident Report at Exhibit C²).

CW-2, corroborated CW-1's testimony, and CW-2 also told law enforcement that he purchased "high quality" methamphetamine from Arndt on a number of occasions at Arndt's home on 26 Rutland Square, in Boston during the same time period Arndt was purchasing from CW-1 in New York City. See 329 F.Supp.2d at 192. CW-2 observed a kilogram of methamphetamine at Arndt's home on one occasion. Id. Arndt related his "rules of drug dealing" to CW-2. Id. CW-2 further stated that after Arndt's arrest in August of 2003, Arndt purchased a half ounce of crystal methamphetamine for \$1,600 from CW-2 and Arndt subsequently resold it for \$1,800. Id. at 193.

CW-2 also stated that Arndt told CW-2 that he was practicing "back alley" medicine. Id. This "back alley" medicine was described as Arndt "treating people who would get shot and could not or did not want to go to the hospital." (Exhibit D³, p. 10). Arndt described this as a "growing business." (Exhibit D, p.

² Entered as Government's Exhibit 4 at the detention hearing.

³ Entered as Defendants Exhibit D at the detention hearing.

10).

CW-3 and CW-4 further corroborated Arndt's significant drug dealing, both having made numerous purchases of crystal methamphetamine from Arndt during the period at issue. See 329 F.Supp.2d at 193. CW-4 stated that defendant told him that he traveled to New York every other week to purchase methamphetamine. Id. CW-4 also stated that Arndt stated he would have no problem "disemboweling" anyone who "ratted" on him with a "quick swipe of the scalpel." Id. at 194.

Arndt's drug dealing spread to his practice of medicine. Charles Ghera was arrested at the Swiss Hotel in Boston on January 10, 2002 with crystal methamphetamine, ketamine, numerous prescription drugs, \$110,000 in US currency and drug ledgers. Id. at *193. The drug ledgers and paperwork of Charles Ghera included blank prescriptions of David Arndt and notes that "Dave Arndt owes!", among other ledgers that showed Arndt was writing illegal prescriptions for Ghera to sell these drugs "on the street." See Id.; see also ledgers at Exhibit F⁴. McCarran testified that Ghera was never a patient of Arndt, according to medical records subpoenaed. 329 F.Supp.2d at 193. CW-2 corroborated that Arndt misused his position as a physician to write prescriptions and sell Oxycontin. CW-2 stated that he went to Arndt's home and purchased two 40 mg Oxycontin tablets from

⁴ Entered as Government's Exhibit 5 at the detention hearing.

Arndt and that Arndt stored these tablets in a container which had in excess of 100 tablets. Id. at 193-194.

C. ARNDT'S CRIMINAL HISTORY

Arndt has engaged in a litany of criminal activities that is shocking both in its breadth and depth, ranging from a federal fraud conviction, to charges for child rape, to the current substantive drug distribution charges. The Magistrate provided a detailed chronology of Arndt's criminal history. Id. at 187-189. Defendant was charged in Middlesex Superior Court in October 2002, with contributing to delinquency, possession of a Class B controlled substance, possession of a Class A controlled substance, using a drug for sexual intercourse, indecent assault and battery on a person attaining age 14 and four counts of rape of a child ("Middlesex case").

This case involves Arndt's alleged drugging and sexual assault of a fifteen year-old boy on September 5, 2002. (See Commonwealth's Statement of Case & Cambridge Police Report at Exhibit A⁵, p. 1). The Commonwealth of Massachusetts has alleged that the defendant showed the boy and another fourteen year old boy how to use a pipe to smoke crystal methamphetamine and gave the pipe to the boys to smoke. (Id. at p. 2). The fifteen year old boy described himself as being "out of it" after inhaling

⁵ Entered as Government's Exhibit 7 at the detention hearing.

twice. (Id.). The fourteen year old boy told Arndt that he had to go home, so Arndt dropped him off and drove the other boy to a side street and pulled over. (Id.). Arndt then proceeded to sexually assault this boy. (Id.). On September 10, 2002, this boy identified the defendant and his car to the Cambridge Police. (Id. at p. 3). After being read his Miranda rights, Arndt admitted to being with two boys on September 5, 2002. (Id.). Although he denied any sexual activity, Arndt also admitted that he drove them around Cambridge and talked to with them. (Id.). This case is pending.

In August of 2003, Arndt was charged in the Boston Municipal Court with possession with intent to distribute a Class B controlled substance. This charge arose from only Count II of the Indictment, the Chandler Inn incident, contrary to Arndt's assertion that the charges in the indictment merely replicate this state charge. The Boston Municipal Court revoked defendant's bail in the Middlesex case and Arndt served 60 days in prison. See Id. at 188. In August, Arndt was also indicted on the Chandler Inn incident in Suffolk Superior Court ("Suffolk Case").

Arndt attempts to minimize his prior criminal activity at every turn. He states in his Motion that he "has no prior felony convictions", Defendant's Motion, p. 14, then in a footnote admits that he was convicted of a federal misdemeanor in 1998 for

his involvement in the submission of fraudulent INS documents. Arndt's perfunctory attitude toward his criminal activity is again demonstrated by his apparent view of a federal crime to be of little gravity if it is a misdemeanor and not a felony.

Similarly in a footnote in his Motion, Arndt appears to admit that he was arrested for assault and battery in Provincetown in 1998, after ripping the screen off of the door of one Roger Volzer's residence and striking Volzer in the head. (Defendant's Motion, p. 14, FN 6). Arndt, however, states that "he never admitted to assaulting the alleged victim". Id. This belies the fact that the Provincetown Police report, properly relied upon by the Magistrate, 329 F.Supp.2d at 196, states that when officers approached Arndt after the incident, Arndt stated "You must be looking for me" that "I did something very dumb, I know" and that "I went down to that guys house". (Provincetown Report at Exhibit B⁶, p. 2). Significantly, Arndt does not deny that he assaulted the victim. He merely asserts that he has not admitted to it. Again, this only demonstrates Arndt's complete failure to date to take any responsibility for his criminal activity. Moreover, the Magistrate properly noted that the circumstances of the event demonstrates "defendant's proclivity for impulsive, if not violent behavior." 329 F.Supp.2d at 196, n. 14.

⁶ Entered into evidence as Government Exhibit 9 at the detention hearing.

In sum, even a brief look at Arndt's chronology of events with the criminal justice system demonstrates that he cannot control his behavior. In 1998, Arndt was convicted of a federal fraud charge. In 2002, Arndt lost his medical license. Also in 2002, defendant was charged with multiple child rape charges in Middlesex County that are still pending. Arndt was released under court supervision, but was undeterred from committing the instant serious drug crimes, endeavoring to distribute large quantities of crystal methamphetamine throughout the Boston area. In August 2003, Arndt was then charged in Suffolk County for the Chandler Inn incident, thus violating his bail conditions in the Middlesex case. Arndt's bail was revoked and he then served 60 days in custody. Arndt was released again in October of 2003 under the supervision and conditions of two courts, Middlesex and Suffolk County. Yet again, Arndt disregarded both courts' authority and began to sell methamphetamine. (See Id. at 192-193; see also McCarran testimony, dated June 4, 2004, at Exhibit E, p. 17). Arndt's continued criminal history demonstrates that there are no conditions or combinations of conditions that will reasonably assure the safety of any other person or the community.

II. THE APPLICABLE LEGAL PRINCIPLES

The standard of review for the district court's review of an order of detention by the magistrate court is *de novo*. United

States v. Tortora, 922 F.2d 880, 883 n. 4 (1st Cir. 1990); United States v. Pierce, 107 F.Supp.2d 126, 128 (D. Mass. 2000).

Requiring the district court to conduct a de novo review does not mean that it must conduct a de novo hearing. Nor does it mean that the district court must disregard the magistrate's fact finding and the inferences to be drawn therefrom. The thrust of Tortora is thus that the district court should not act as if it were an appeals court reviewing the acts of a district court and thereby constrained by the evidence presented and fact finding conducted below. Tortora mandates that the district court must instead make an independent determination of the detention decision, unconstrained by the limits of the magistrate's conclusions or the record established in the original detention hearing. "Recognizing that appellate courts are ill-equipped to resolve factbound disputes, this standard cedes particular respect, as a practical matter, to the lower court's factual determinations." Tortora, 922 F.2d at 882-83.

"Where, as here, a defendant is charged with a controlled substance offense punishable by a maximum term of 10 years or more, the government is aided by § 3142(e)'s rebuttable flight presumption." United States v. Palmer-Conteras, 835 F.2d 15, 17 (1st Cir. 1987). Although the burden of persuasion regarding detention remains with the government, United States v. Jessup, 757 F.2d 378, 381 (1st Cir. 1985), the rebuttable presumption

shifts the burden of production to the defendant. Palmer-Conteras, 835 F.2d at 17-18. The defendant failed in his burden of production and the Magistrate properly determined that the government met its burden of persuasion. The Magistrate Judge's order to detain Arndt pending trial was proper and should not be revoked.

III. ARGUMENT

A. The danger to the community presented by the defendant

The Magistrate properly held that the "defendant did not proffer any credible evidence to detract from the government's assertion that he has committed a serious drug crime involving a narcotic drug and that he is a danger to the community or any person. 329 F.Supp.2d at 198. The Magistrate also determined the government's case to be "strong". Id. at 197. The Magistrate set forth in detail, Id. at 189-192, the factual basis for the charges, consistent with the detention hearing testimony of Inspector McCarran, attached to Defendant's Motion. The Magistrate properly concluded that Arndt's level of planning and scope of drug dealing showed him to be an "experienced drug dealer and not a casual drug user." Id. at 197.

The Magistrate set forth significant evidence that defendant poses a danger to the community. Id. at 197-198. The defendant falsely asserts in his Motion that "[t]he Government presented no evidence to suggest, and has not alleged, that Dr. Arndt resumed

alleged drug trafficking activity after his release from detention on October 9, 2003." (Defendant's Motion, p. 13). The government has not only alleged resumed drug trafficking, but the Magistrate found that "when the defendant was released from custody. . . . [CW-2] sold the defendant a half ounce of crystal methamphetamine for \$1,600 which the defendant resold for \$1,800." (329 F.Supp.2d at 192-193; see also McCarran testimony, dated June 4, 2004, at Exhibit E, p. 17) (emphasis added).

The Magistrate also properly considered other personal characteristics of Arndt. Id. at 187-188. For example, Arndt's license to practice was suspended in August of 2002 by the Massachusetts Board of Registration in Medicine, after a surgery incident at Mount Auburn Hospital in which he apparently left his anaesthetized patient on the operating table during spine surgery to attend to a personal banking matter. Id. at 187.

In his Motion, defendant posits two main bases to demonstrate he poses no danger to the community if released: (1) his ample family support, their financial commitment, and ties to the community; and (2) his offer to participate in out-patient drug rehabilitation and counseling. (Defendant's Motion, p. 2). First, defendant asks the Court to believe that he can be trusted on release with the oversight of a substance abuse professional and his parents, when his entire history belies this leap of faith. Arndt relies heavily on the fact that he "is a long-

standing member of the Boston community, and has the full support of his parents, who are doctors and reside in Newton, Massachusetts," for his release. (Defendant's Motion, p. 2). Yet, the close presence of Arndt's family and their full support and ample means, has had no deterrent effect on his criminal activity in the past. Rather, Arndt has taken the trust and privilege that his parents have bestowed upon him, and committed federal criminal fraud, lost his medical license, garnered multiple charges for child rape, and engaged in serious drug distribution crimes. Most recently, he told CW-4 that he would "disembowel" anyone who "ratted" on him and told CW-2 that he is engaged in "back alley medicine." 329 F.Supp.2d 193 & 194.

Court oversight has similarly proven ineffective in deterring Arndt from committing criminal activity. As the Magistrate noted, "[m]ost significantly, the circumstances giving rise to the present charges occurred when the defendant was already on bail facing very serious charges in the Middlesex case under a specific condition of release that he not commit another." Id. at 197.

Second, Arndt asserts that he is "ready and willing to comply with the stringent conditions of release he proposes", including signing a contract with the Physician Health Services program to engage in behavioral and substance abuse treatment. (Defendant's Motion, p. 2, 16). Arndt also asserts that he has

"sought" treatment and counseling and was "engaged in all of these activities before the return of the Federal Indictment and his arrest on June 2, 2004." (Defendant's Motion, p. 6). Yet conspicuously absent from his Motion is any evidence that defendant has actually engaged in any treatment and counseling.

Arndt on the one hand appears to blame his drug use for his current predicament, but on the other hand, has completely failed to proffer any evidence of actual treatment to date. Only now, six years after his federal fraud conviction and assault and battery charges, two years after losing his medical license, two years after his multiple child rape charges and charge for using drug for sexual abuse, and one year after his Boston Municipal drug distribution charge, does he assert that he is taking responsibility for his alleged drug use and offer to enter outpatient drug rehabilitation. As the Magistrate determined "[t]he defendant's present request to participate in the PHS program which provides support and monitoring, not secure inpatient treatment, for impaired physicians is in too little too late." 329 F.Supp.2d at 198.

Arndt instead appears content to continue to blame anyone other than himself for his failure to engage in treatment. For example, Arndt states that "delay occasioned by limited court resources, not due to any inaction on the part of Dr. Arndt", prevented him from having a court clinician meet and evaluate him

in November 2003 during the Suffolk County Case. (Defendant's Motion, p. 5). For a person with parents who are still willing to post a \$75,000 cash bail for him, it is beyond belief that delay due to "limited court resources" has prevented Arndt from obtaining treatment over the years.

It bears emphasizing that the definition of "danger to the community" under the Bail Reform Act extends beyond mere physical violence. United States v. Patriaca, 948 F.2d 789, 792, n.2 (1st Cir. 1991); United States v. Tortora, 922 F.2d. at 884 (citing S.Rep.No. 225, 98th Cong., 2d Sess. 4-12, reprinted in 1984 U.S. Code Cong. & Admin. News at 3182, 3187-95). "The Congress was apparently concerned with the safety not only 'of a particular identifiable individual, perhaps a victim or witness,' but also of the community as a whole." United States v. Delker, 757 F.2d 1390, 1393 (3rd Cir. 1985).

The defendant's criminal history and his conduct at and around his most recent arrest demonstrate the very real threat of further criminal behavior and the resulting danger that the defendant presents were he to be released under any circumstances. See United States v. Carswell, 144 F.Supp 2d 123, 138 (N.D.N.Y. 2001) ("elaborate conditions dependent upon good faith compliance are sometimes insufficient when a defendant's criminal history provides no basis for believing good faith will be forthcoming"). Arndt's continued inability to refrain from

committing crime and continued disregard of judicial oversight demonstrates there are no conditions or combinations of conditions that will reasonably assure the safety of any other person or the community. Hence, the Magistrate Judge's conclusion that the defendant was a danger to the community, based on clear and convincing evidence, was proper.

B. Risk of Flight

While defendant has ties to the community, he has the incentive, ability and education, and means to flee, as the Magistrate properly considered. 329 F.Supp.2d at 198-199. Arndt faces life imprisonment and a minimum mandatory term of 10 years imprisonment on each count in the indictment. Id. at 184. Arndt's former partner, Alfredo Fuentes, is a Venezuelan national. Id. at 199. Arndt committed federal fraud for Fuentes. Thus, the instant federal charges and state rape charges that Arndt currently faces, may easily prompt him to flee to Venezuela or elsewhere. See Id. Arndt has clearly had access to large sums of cash and has the ability to travel. See Id. He was stopped in Logan Airport on his way to New York City with \$19,000 of cash concealed on his person and his carry-on bag in June of 2003.

As discussed above, Arndt has not been deterred by his parents, court oversight, or his professional livelihood from committing irresponsible, dangerous, and criminal acts. This

past behavior demonstrates Arndt's complete disregard for factors that would normally keep a person from fleeing. Hence, the Magistrate Judge's conclusion that the defendant was a risk of flight, based on a preponderance of the evidence, was proper.

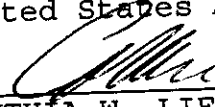
IV. CONCLUSION

Based on the foregoing, the government respectfully requests that this Court deny the defendant's Motion For Revocation of the Magistrate's Detention Order.

Respectfully Submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:



CYNTHIA W. LIE
JOHN A. WORTMANN, JR. 9/24/04

Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

This is to certify that on the 24 day of September, 2004, I caused a copy of this motion to be served on Stephen Delinsky by FedEx.

By:


CYNTHIA W. LIE
Assistant U.S. Attorney

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.
DEPARTMENT

SUPERIOR COURT

DOCKET NO. 2002-056A

COMMONWEALTH

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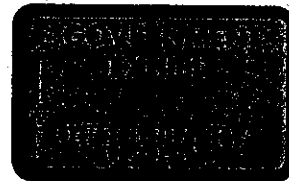
DAVID ARNDT

COMMONWEALTH'S STATEMENT OF THE CASE

The Commonwealth hereby files this Statement of the Case at the request of the Court as a summary of the facts only. What follows is not a Bill of Particulars and does not contain every fact that may be offered at trial.

On Thursday, September 5, 2002 fifteen year-old, [REDACTED], was drugged and sexually assaulted by the forty-two year-old defendant, David Arndt, in the defendant's parked vehicle in Cambridge.

At approximately 5:30 p.m. on September 5, 2002, [REDACTED] was waiting on the steps of the post office for his fourteen year-old friend, [REDACTED]. The defendant was sitting next to him smoking a cigarette and attempted to strike up a conversation. The defendant introduced himself as David and told [REDACTED] that he knew of a new drug that gets you horny and feels cool. The defendant later told [REDACTED] that the drug is crystal meth. The defendant asked [REDACTED] if he wanted to go smoke and took [REDACTED] and [REDACTED] to his car. The defendant reached in the back of the car and took out a bag containing a glass pipe, drugs, and a lighter.



After driving to the back of Dana Park in Cambridge, the defendant told [REDACTED] and [REDACTED] how to use the pipe. He then lit it himself, smoked, and handed the pipe to [REDACTED] then to [REDACTED]. The defendant was in the drivers seat, with [REDACTED] in the front passenger seat and [REDACTED] in the back seat.

By the time [REDACTED] inhaled for the second time he described himself as being "out of it." [REDACTED] could not move his legs, he could not think straight, and he did not have a care in the world. [REDACTED] vomitted on the side of the passenger seat, out the door and on his leg, but was so stupefied that he did not care.

At 8:30 pm [REDACTED] had to go home, so the defendant dropped him off and pulled over on to a side street nears [REDACTED]'s house. After the defendant pulled over, [REDACTED] observed the defendant take his erect penis out of his pants and masturbate. [REDACTED] was still overpowered by the drug. [REDACTED] then realized that his own pants were unbuckled and the defendant was taking one pant leg off. The defendant began to lick and place his tongue in [REDACTED]'s anal opening. The defendant then rubbed [REDACTED]'s penis with his hand and placed his mouth on [REDACTED]'s penis. The defendant then told [REDACTED] it was his "turn" and put his penis in [REDACTED]'s mouth. With [REDACTED] still dazed, the defendant then put a lubricant on his penis and [REDACTED]'s buttocks then put his penis in [REDACTED]'s anal opening. The defendant's hands were on [REDACTED]'s hips, moving him. The defendant took his penis out of [REDACTED]'s anal opening, and then masturbated until he ejaculated in the car.

[REDACTED] did not realize the time until the defendant told him it is 1:30 am, Friday. The defendant gave [REDACTED] his cell phone number and dropped him off.

For the next few days, [REDACTED] was emotional, concerned that the defendant had given him a disease, and he did not sleep. The next day, [REDACTED] told his friend [REDACTED] about the rape.

[REDACTED] then went to a medical clinic and reported the rape to the Cambridge Police Department. [REDACTED] described the defendant's car and provided the defendant's first name and cell phone number. On September 10, 2002, [REDACTED] identified the defendant and his car to the Cambridge Police.


The defendant was brought to the police department and after being advised of his rights provided by *Miranda*, he gave a statement to the police. The defendant admitted to being with two boys on September 5, 2002. He stated that he drove around Cambridge for a while and talked with them. One of the boys got a phone call from his parents and went home. The other boy stayed with him, he pulled over and they talked for a while. The defendant denied smoking pot with them. He also denied having any sexual contact with them. The defendant did admit that he might have touched one of the boys on the shoulder because the boy was crying.

A search of the defendant's car revealed a black bag and metal case containing a glass pipe, a small spoon, several straws, a small vial and a plastic bag which appeared to be crystal met amphetamine. Samples of upholstery and carpeting and swabs were also taken from the interior of the defendant's vehicle which where presumptively positive for seminal fluid.

Respectfully Submitted

For the Commonwealth,

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DISTRICT ATTORNEY



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BBO No. 632017

Dated: October 9, 2002

bridge Police Department Investigative Report

FILE NUMBER 02-7531

Occurrence 7 D S Y 02 T 5 ³⁰ /PM M 2		3. Date of Report M 9 D 9 Y 02 T 6 ⁰⁰ /PM		4. Weather Conditions H.C.I.C./IT#	
S M T W T F S					
F 8. Location of Offense		Sector	7. Type of Premise <i>Street</i>		
F 8. Business/Complainant's Name			10. Sex <i>F</i>	Race	D.O.B.
F 9. Business/Complainant's Address			11. T <i>[Redacted]</i> Res <i>[Redacted]</i> E <i>[Redacted]</i> Bus <i>[Redacted]</i> T <i>[Redacted]</i> Res <i>[Redacted]</i> E <i>[Redacted]</i> Bus <i>[Redacted]</i>		
CONFIDENTIAL					
g Person (If Other Than Victim)					
with proper code on boxes provided person's relationship to investigation. [W-1: Witness #1; NI: Not interviewed #2. Witness Person; PK: Person w/Knowledge; V: Victim; AV: Additional Victim]					
Viewed	P.O.B.	Address (Number and Street)	Apt.#	City, State, Zip Code	T <i>[Redacted]</i> Res <i>[Redacted]</i> E <i>[Redacted]</i> Bus <i>[Redacted]</i> T <i>[Redacted]</i> Res <i>[Redacted]</i> E <i>[Redacted]</i> Bus <i>[Redacted]</i> T <i>[Redacted]</i> Res <i>[Redacted]</i> E <i>[Redacted]</i> Bus <i>[Redacted]</i>
Injury	Hospital Taken To	Attending Physician		Type of Conveyance	
Suspects					
Identify suspect(s) (See Box 14)					
Suspect #1		V	NI	Suspect #2	
Sex	Age	Ht.	Wt.	Hair	Eyes
M	42	G		Old	
Other	Clothing and Unusual Characteristics				
Full beard	Red shorts Red shirt				
Other	Clothing and Unusual Characteristics				
Suspect #2 (Include any A.K.A. information)					
Suspect #2 Can be located at					
Vehicle Be Identified?					
Year	Make	Color	Special Characteristics/V.I.N.	Stolen Car Yes No	Stolen Plate Yes No
2006	Subaru	Grn			
Total Value	Turned Over To	Property Sheet	Listing Yes No		
N/A		Attached w/victim N/A			
Special Circumstances Present? If Yes, Check Box and Explain in Narrative					
Point of Exit N/A					
Type of Instrument Used (if known) N/A					
Unusual Features of Crime					
Summarize details of crime including progression of events, names of other officers or units assisting. Narration which is an extension of any of the blocks, indicate block number in box provided at left.					
reports her son [redacted] on Thurs 9/5/02, was with a friend [redacted] [redacted] at Mass + Pleasant when the suspect pulled up and began conversation with them. After a brief conversation this suspect asked if they wanted to smoke, and showed them a glass pipe. Both agreed to and entered the motor vehicle. Once inside they drove on Mass Ave right on to Pearl Street. They pulled over on Pearl by Dana Park and they smoked the pipe. After sometime [redacted] he had to be home by 5 ³⁰ PM. They left this area and dropped					
Signature	Badge #/Date	29. Is There Reason To Believe Crime May Be Resolved?			
Sgt #241	9/9/02	30. Is Follow Up Investigation Necessary From Factors Listed Above? If Yes, Check Box:			
Rank/Name		33. Responding Supervisor (If same, write same)			
Signature	Date	34. Reporting Officer Signature			
D. Carr	9/9/02	J. Sullivan 9/9/02			
Mail In	Phone In	Walk In	CID	Juvenile	Accident Inv.

DOMESTIC ABUSE
HATE CRIME

RECORDS

CONFIDENTIAL

Page _____ of _____

Bridge Police Department Supplemental Report

File

Number

02-7531

g. Case Invest. <input type="checkbox"/>	City Solicitor <input type="checkbox"/>	25. Date of Occurrence	M	33. Date of Report	M	45. P.C.N.
r. Incident Report <input type="checkbox"/>	Sudden Death <input type="checkbox"/>	M	D	Y	T	
Row Up Invest. <input type="checkbox"/>	Child In Custody <input type="checkbox"/>	M	D	Y	T	

Witness/Complainant's Name

T

E

L

Res.

Bus.

CONFIDENTIAL

6. In Court	75. Judge	85. Court	85. Disposition
-------------	-----------	-----------	-----------------

off by his home and her son and the suspect drove away. She states that her son states that they pulled over again on a one way street in a residential area. At this time the subject wearing shorts produced his penis which was hard. asked what are you

doing and he began touching him. After a short period the suspect removed pants off one leg and then entered his rear with his penis. This subject also performed oral sex on and then made perform oral sex on him.

This subject provided both boys with his cellphone # 617-513-9194 and stated his name was David and lives in Boston.

stated he called this subject on Friday and again on Saturday and spoke to him about what had happened and about any medical problems he may have had. states he saw this subject on Saturday in his mlu by McDonald's in Central Sq and again on Sunday driving in Central Sq.

CONFIDENTIAL

105. Status of Case

Cleared <input type="checkbox"/>	Suspend <input type="checkbox"/>
Arrest <input type="checkbox"/>	Comp./Wor <input type="checkbox"/>
Hearing <input type="checkbox"/>	Unfound <input type="checkbox"/>
Station Adj. <input type="checkbox"/>	Other <input type="checkbox"/>
Continued Inv. <input type="checkbox"/>	

115. Property Recovered

Yes <input type="checkbox"/>	No <input type="checkbox"/>
Total Value	

125. Juvenile Card Made

Yes <input type="checkbox"/>	No <input type="checkbox"/>
------------------------------	-----------------------------

135. Narcotic Number

145. Narcotic/Alcohol Sheet Made

Yes <input type="checkbox"/>	No <input type="checkbox"/>
------------------------------	-----------------------------

155. Technical Work

	Yes	No
Photo <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Finger Print <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Composite <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
By Whom		

165. Victim/Comp. Cont.

In Person <input type="checkbox"/>
Letter <input type="checkbox"/>
Phone <input type="checkbox"/>
Call Card <input type="checkbox"/>

175. Photo Viewed

Yes <input type="checkbox"/>	No <input type="checkbox"/>
------------------------------	-----------------------------

185. Citation No.

195. Time Expended

Investigation

Original Reporting Off.

Officer's Signature

Signature/Date

Date

Invest

215. Planning Officer's Signature

Date

1/BS-820031-2

RECORDS

Page ____ of ____

Edge Police Department Supplemental Report

Invest. <input type="checkbox"/>	City Solicitor <input type="checkbox"/>	25. Date of Occurrence	35. Date of Report	45. P.C.N.
nt Report <input type="checkbox"/>	Sudden Death <input type="checkbox"/>	M <u>9</u> D <u>10</u> Y <u>02</u> T <u>3:00</u>		
Invest. <input checked="" type="checkbox"/>	Child in Custody <input type="checkbox"/>	M <u>9</u> D <u>10</u> Y <u>02</u> T <u>3:00</u>		
Complainant's Name		File Number <u>02-7531</u>		

Complainant's Name D.B. BOMBINO

CPD

CONFIDENTIAL

75. Judge	85. Court	95. Disposition
-----------	-----------	-----------------

RE: C.P.D. FILE # 02-7531

SYNOPSIS: RAPE OF A CHILD (3 COUNTS)
INDECENT A&B ON A CHILD OVER 14

PERSON(S) INTERVIEWED: DAVID ARDNT

105. Status of Case

Cleared: <input type="checkbox"/>	Suspend: <input type="checkbox"/>
Arrest: <input type="checkbox"/>	Comp./War: <input type="checkbox"/>
Hearing: <input type="checkbox"/>	Unfound: <input type="checkbox"/>
Station Adj: <input type="checkbox"/>	Other: <input type="checkbox"/>
Continued Inv: <input type="checkbox"/>	

NARRATIVE:

ON 9-10-02 AT APPROX. 11:45 AM DET. BRADY AND I WERE ASSIGNED TO WATCH A M/V IN CENTRAL SQ. WE WERE LOOKING TO IDENTIFY THE OWNER/ OPERATOR. WE MET THE VICTIM IN CENTRAL SQ AND HE POSITIVELY IDENTIFIED THE M/V AS THE ONE HE WAS IN ON THURSDAY EVENING (9-5-02). THE M/V WAS A GREEN SAAB CONVERTIBLE THE VICTIM WAITED ACROSS THE STREET. AT APPROX. 12:20 PM I OBSERVED A MALE APPROACH THE M/V. THE VICTIM POSITIVELY IDENTIFIED HIM. DET. BRADY AND I IDENTIFIED OURSELVES A POLICE OFFICERS. I ASKED THIS MALE IF HE WAS DAVID AND IF THIS WAS HIS M/V. THIS MALE STATED THAT HIS NAME WAS DAVID AND THAT THIS WAS HIS M/V. I THEN ASKED DAVID FOR IDENTIFICATION AND HE PRODUCED A MA. DRIVER'S LICENSE. THE NAME ON THE LICENSE WAS DAVID ARDNT. ARDNT ASKED WHAT THIS WAS ALL ABOUT, TO WHICH I TOLD HIM THAT IT WAS IN REGARDS TO A SEXUAL ASSAULT. I THEN ASKED HIM IF HE WOULD COME INTO THE POLICE STATION FOR AN INTERVIEW. ARDNT AGREED AND WE FOLLOWED HIM TO A PARKING LOT NEAR THE POLICE STATION.

AT THE POLICE STATION, I ADVISED ARDNT OF HIS MIRANDA RIGHTS. DET. BRADY AND I CONDUCTED A TAPED INTERVIEW OF ARDNT. I ASKED ARDNT, HIS WHEREABOUTS ON THURSDAY EVENING, 9-5-02. ARDNT STATED THAT HE WAS IN HARVARD SQ, THEN PRECEDED DOWN MASS AVE. ARDNT STATED THAT HE PULLED OVER AT THE CONVENIENCE STORE AT MASS AND

115. Property Recovered
 Yes ☐ No ☐
 Total Value _____

125. Juvenile Card Made
 Yes ☐ No ☐

135. Narcotic Number _____

145. Narcotic/Alcohol Sheet Made
 Yes ☐ No ☐

155. Technical Work

	Yes	No
Photo	<input type="checkbox"/>	<input type="checkbox"/>
Finger Print	<input type="checkbox"/>	<input type="checkbox"/>
Composite	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>
By Whom	_____	

165. Victim/Comp. Cont.
 In Person: ☐
 Letter: ☐
 Phone: ☐
 Call Card: ☐

175. Photo Viewed
 Yes ☐ No ☐

185. Citation No. _____

195. Time Expended
 Investigation _____

Original Reporting Off. _____

Officer's Signature [Signature]Badge #/Date 9/10/02Division MCU215. Reporting Officer's Signature [Signature]Date 9/10/02**CONFIDENTIAL**Page 1 of 2

Bridge Police Department Supplemental Report

File

Number

02-7531

See Invet. <input type="checkbox"/>	City Solicitor <input type="checkbox"/>	2S. Date of Occurrence	M	3S. Date of Report	P M	4S. PC.N
Client Report <input type="checkbox"/>	Sudden Death <input type="checkbox"/>	M	D	Y	T	
Up Invet. <input type="checkbox"/>	Child in Custody <input type="checkbox"/>	M	D	Y	T	
Complainant's Name						Res.
D.B. Bombino						Bus.

CONFIDENTIAL

CPD

Court	TS. Judge	BS. Court	PS. Disposition
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PLEASANT ST. I ASKED IF HE TALKED TO ANYONE THERE HE STATED THAT TWO MALES APPROACHED HIM WHO ASKED HIM FOR A CIGARETTE ARDNT THEN STATED THAT HE DROVE THESE TWO BOYS AROUND (CAMBRIDGE) FOR A WHILE HE PULLED OVER AND TALKED WITH THEM, THEN ONE OF THE BOYS GOT A CELLPHONE CALL FROM HIS PARENTS,

SO HE DROVE HIM HOME. ACCORDING TO ARDNT, HE AGAIN DROVE AROUND AND PULLED OVER TO TALK WITH THE OTHER BOY. ARDNT STATED THAT HE DID NOT SMOKE POT WITH THE BOYS NOR DID HE HAVE ANY PHYSICAL CONTACT WITH THEM. ARDNT DID SAY THAT HE MIGHT HAVE TOUCHED ONE OF THE BOYS ON THE SHOULDER BECAUSE HE WAS CRYING WHILE TALKING ABOUT HIS FATHER AND HIS FAMILY LIFE.

DAVID ARDNT WAS THEN PLACED UNDER ARREST FOR ABOVE OFFENSES. ARDNT THEN CALLED HIS ATTORNEY VIA HIS CELLPHONE. ARDNT WAS THEN BOOKED AND PROCESSED.

CONFIDENTIAL

10S. Status of Case	
Cleared <input type="checkbox"/>	Suspend <input type="checkbox"/>
Arrest <input type="checkbox"/>	Comp./Wkr <input type="checkbox"/>
Hearing <input type="checkbox"/>	Unfound <input type="checkbox"/>
Station Adj. <input type="checkbox"/>	Other <input type="checkbox"/>
Continued Inv. <input type="checkbox"/>	

11S. Property Recovered	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Total Value		

12S. Juvenile Card Made	Yes <input type="checkbox"/>	No <input type="checkbox"/>
-------------------------	------------------------------	-----------------------------

13S. Narcotic Number	
----------------------	--

14S. Narcotic/Alcohol Sheet Made	Yes <input type="checkbox"/>	No <input type="checkbox"/>
----------------------------------	------------------------------	-----------------------------

15S. Technical Work		
	Yes	No
Photo	<input type="checkbox"/>	<input type="checkbox"/>
Finger Print	<input type="checkbox"/>	<input type="checkbox"/>
Composite	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>
By Whom		

16S. Victim/Comp. Cont.	
In Person	<input type="checkbox"/>
Letter	<input type="checkbox"/>
Phone	<input type="checkbox"/>
Call Card	<input type="checkbox"/>

17S. Photo Viewed	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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18S. Citation No.	
-------------------	--

19S. Time Expended	Investigation
--------------------	---------------

Original Reporting Off.

Officer's Signature	Badge # / Date	Division	21S. Reporting Officer's Signature	Date
Bombino	mev		[Signature]	9/16/02

POLICE OFFICER'S FORMAL REPORT
PROVINCETOWN POLICE DEPARTMENT

06/02/04 09:19

PAGE: 1

TTY04 -667

Case#: 108042

rpt date: 08/31/98 06:06
ucr: 519 ARREST / GENERAL

reported: MONDAY

08/31/98 04:27

location: 145 COMMERCIAL ST
follow up by: None needed
officer:case status: CLEARED/CLOSED NORMAL
rpt status: Complete
review officer: 12 SGT SUCHECKI
sup review officer: 12 SGT SUCHECKIomp/vict notify: No
ir/involve type:

complaint: MULTIPLE 911 CALLS SUBJ IN STREET REQ POLICE

reporting officer: 501 PTL RAPOSE
second officer: 674 OFF BUTLERassignment: A car: A1
sup/back-up:

*** NAMES ***

type	mastr#	name/add	phone	dob	ss#
DEFENDANT	021108	ARNDT, DAVID C 28 RUTLAND SQ apt: 4 BOSTON MA 02118	(617) 262-5242	10/10/60	026-48-7164

VICTIM	021012	VOLZER, ROGER P 26 GREENWICH PARK ST BOSTON MA 02118	(617) 424-1817	07/28/63	289-74-3464
--------	--------	---	----------------	----------	-------------

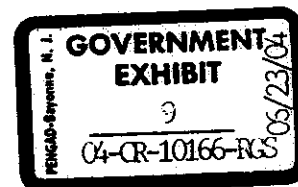
IMPLAINT 000501 RAPOSE, JODI J
POLICE DEPARTMENT PROVINCETOWN MA 02657WITNESS 021109 FUENTES, ALFREDO 09/26/63
627 TREMONT ST apt: 2 BOSTON MA 02118
INSIDE RESIDENCE AT TIME OF ALTERCATION.INVOLVED 000012 SUCHECKI, PHILLIP P
POLICE DEPARTMENT PROVINCETOWN MA 02657INVOLVED 020390 BUTLER, AARON
POLICE DEPARTMENT PROVINCETOWN MA 02657

*** NARRATIVE ***

ON MONDAY, AUGUST 31, 1998 AT APPROXIMATELY 04:27 HOURS, I WAS ADVISED BY DISPATCHER CALDWELL TO RESPOND TO THE AREA OF 145 COMMERCIAL STREET FOR MULTIPLE 911 CALLS, SUBJECT IN THE STREET REQUESTING THE POLICE.

UPON MY ARRIVAL, I WENT IN THE RESIDENCE LOCATED AT 145 COMMERCIAL STREET SHOUTED OUT HER TOP FLOOR WINDOW, DOWN THE ALLEY AND DIRECTED US TO THE AREA OF 143 COMMERCIAL.

AS WE APPROACHED THE RESIDENCE A MALE SUBJECT LATER IDENTIFIED AT ROGER VOLZER MET US OUT SIDE. MR. VOLZER



POLICE OFFICER'S FORMAL REPORT
PROVINCETOWN POLICE DEPARTMENT

06/02/04 09:19

PAGE: 2

TTY04 -667

Case#: 108042

*** NARRATIVE ***

SHOWED US A RIPPED SCREEN BY HIS FRONT DOOR AND RELAYED THE FOLLOWING TO ME.

VOLZER STATES HE WAS INSIDE HIS RESIDENCE SITTING ON THE COUCH WITH HIS MALE FRIEND, LATER IDENTIFIED AS ALFREDO FUENTES. VOLZER GOT UP TO BLOW THE CANDLES OUT. HE THEN STATES, A MALE SUBJECT RIP HIS SCREEN, ENTER THROUGH THE WINDOW AND ATTACKED HIM AS HE WALKED INTO HIS BEDROOM AREA. HE STATES THIS MALE SUBJECT HAS THE FIRST NAME OF DAVID AND IS THE EX-LOVER OF ALFREDO. VOLZER STATED DAVID WAS JEALOUS OF HE AND ALFREDO. VOLZER STATES DAVID GRABBED HIM, STRUCK HIM ON THE RIGHT SIDE OF HIS HEAD WITH HIS FIST. THE NIGHT STAND TABLE GOT KNOCKED OVER IN THE SHUFFLE BREAKING TWO DRINKING GLASSES THAT WERE ON THE STAND. I OBSERVED THE TABLE IN THE UPRIGHT POSITION BUT BROKEN GLASS ON THE FLOOR. DAVID THEN PUSHED VOLZER OUT OF THE BEDROOM TO THE FRONT DOOR AND THREW A CHAIR AT HIM. VOLZER WAS THEN ABLE TO EXIT THE DOOR AND RAN OUT OF THE HOUSE. DAVID RAN AFTER HIM, BUT WAS STOPPED BY ALFREDO. VOLZER CONTINUED TO RUN AND SHOUTED FOR SOMEONE TO CALL THE POLICE. VOLZER STATED ALFREDO AND DAVID THEN LEFT THE PROPERTY.

VOLZER STATES HE KNOWS DAVID AND KNOWS WHERE HE LIVES BUT DID NOT KNOW HIS LAST NAME. HE STATES DAVID WAS WEARING A WHITE T-SHIRT, JEANS, BLACK SHORT HAIR, AND HE WOULD TAKE US TO DAVID'S RESIDENCE.

I THEN PLACED VOLZER IN THE BACK OF MY CRUISER AND HE DIRECTED US TO THE AREA OF 19 TREMONT STREET. HE POINTED TO THE HOUSE DAVID LIVES IN. MYSELF, OFFICER BUTLER AND SGT. SUCHECKI THEN APPROACHED THE HOUSE. WE WERE MET ON THE DECK BY A MALE SUBJECT DESCRIBED AS DAVID. THE MALE STATED "YOU MUST BE LOOKING FOR ME". I ASKED HIM IF HE WAS DAVID AND HE STATED, "YES". DAVID STATED, "I DID SOMETHING VERY DUMB, I KNOW". SGT. SUCHECKI STATED, "WHAT DID YOU DO"? DAVID STATED, "I WENT DOWN TO THAT GUYS HOUSE".

I THEN PLACED DAVID, IDENTIFIED AS DAVID C. ARNDT, UNDER ARREST FOR BURGLARY WHILE ARMED, ASSAULT ON AN OCCUPANT, CHAPTER 266-14, A&B, CHAPTER 265-13A, A&B, BY DANGEROUS WEAPON BY MEANS OF A CHAIR, 265-15A, MALICIOUS DESTRUCTION OF PROPERTY \$ 250.00 OR LESS 266-127.

DAVID WAS THEN TRANSPORTED TO THE POLICE STATION WHERE HE WAS BOOKED, PHOTOGRAPHED, FINGERPRINTED, AND AFFORDED THE OPPORTUNITY TO A PHONE CALL WHICH HE REFUSED.

AT APPROXIMATELY 06:40 HOURS, I READ DAVID, MIRANDA WARNING

POLICE OFFICER'S FORMAL REPORT
PROVINCETOWN POLICE DEPARTMENT

06/02/04 09:19

PAGE: 3

TTY04 -667

Case#: 108042

*** NARRATIVE ***

AND ASKED HIM IF HE UNDERSTOOD, WHICH HE REPLIED "YES". I
THEN ASKED DAVID IF HE WISHED TO SPEAK WITH ME. HE STATED,
"NO, I THINK I'LL WAIT FOR MY ATTORNEY.

RESPECTFULLY SUBMITTED,

JODI RAPOSE
POLICE OFFICER

SUPPLEMENTAL REPORT 9-1-99 05:20 HOURS

AFTER VOLZER TOLD ME HE WAS STRUCK IN THE HEAD, I ASKED HIM IF
HE HAD ANY INJURY, HE STATED NO. I FURTHER ASKED HIM IF HE WOULD
LIKE TO BE SEEN BY RESCUE, HE REFUSED. I SHINNED MY FLASHLIGHT
ABOUT HIS BODY AND WAS UNABLE TO SEE ANY SIGN OF INJURY.

WHEN I EXITED THE RESIDENCE TO WAIT FOR VOLZER OUTSIDE, I
OBSERVED HIM INSIDE CRYING..

Incident/LEO Intervention Data

Date 6/19/03Officer or FSD Alexander #538

Type of incident

Arrest

☐ of passengers at checkpoints☐ of passengers at gates☐ of passengers removed from flight☐ of passengers in other parts of airport

Other

☐ Passengers removed from the flight but not arrested☐ Disruptive passengers (not yet deplaned and not arrested)☐ Disruptive crew members☐ Disruptive non-crew airport staff

Passenger deplanings/re-screenings

☐ due to gate problem (e.g., no random screenings)☐ due to concourse closure☐ for other reasons

Gate Evacuations

☐ due to unattended bag resulting in positive ID of threat☐ due to unattended bag resulting in NO ID of threat☐ due to other dangerous item☐ for other reasons

Concourse Evacuations

☐ due to unattended bag☐ due to unattended bag resulting in NO ID of threat☐ due to other dangerous item☐ due to checkpoint closure☐ for other reasons

Other Incidents

☐ Terminal evacuation and search☐ Ticket lobby evacuation and search☐ Other threats☐ ETD alarms-explosives☐ Bomb/terroristic threat☐ LEO credential verification☒ Suspicious passenger☒ Suspicious item or substance☐ Suspicious passenger☐ Suspicious item or substance

Incident Location

B-2, USAir Shuttle, Seletar Lane

Passenger(s) Involved

David Arndt26 Rutland Sq, #3, Boston, MA 02118

Witnesses

Thomas LaFleur, TSA - Lisa LaRocca, TSARobert N'achado, Acting Supervisor

Action Taken

State Police were summoned to respond to checkpoint. Passenger David Arndt had artfully concealed on his person, in his jacket, & throughout his carry-on bag \$19,000 in U.S. Currency. Responding State Police checked & cleared Mr. David Arndt to continue his flight. Screening Manager, Tim Burke, was also notified & responded to check in E Unit

Subject

DAVID ANDERSON

Street

26 RUTLAND SQ #3

City/State/ZIP

BOSTON MA 02118

Telephone

617-262-5242

License #

02648716

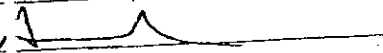
Gender

M

DOB

10/10/60

Signature



Date

6/18/02

Type

☒ Passenger☐ Crew☐ Non-crew staff☐ TSA Employee☐ Other

Weapon Involved

Type:

SN:

Make / Model:

Loaded?: ☐ Yes ☐ No

Ammunition Rounds:

Reason for carrying:

Explosive Substance(s) detected:

Witnesses

#1 Name

Thomas LaFleur

Street

Bos - TSA

City/State/ZIP

Telephone

#2 Name

Robert Machado

Street

TSA - Bos

City/State/ZIP

Telephone

Involved Staff (please print)

Screener Name

Thomas LaFleur

Shift Supervisor

Robert Machado / Bill Pratt

Screening Mng.

Tim Burke

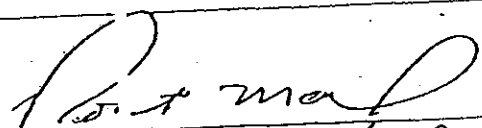
Airline Rep.

State Trooper

Alexander #538

Prepared by

Signature:


Robert Machado

Date: 4/19/03

1240
US

Security Incident

Notify Screening Manager and Trooper Immediately!!!

Date: 6/19/03 Time: 1440Checkpoint: B-2 Gate: 19 Carrier: US Air Flight # 2135

Type: ☐ Weapon/Explosive ☐ Disturbance ☐ Unauthorized Access
☐ Threat ☒ Suspicious ☐ Other - please summarize:

Large Sum of U.S. Currency (\$19,000.00)

Nature of Incident at approximately 1440 hrs. Screener Thomas Laffeur notified me of a large sum of U.S. Currency he had found on selectee passenger David Arndt who was traveling to LGA. Mr. Arndt had the currency stuffed around his waist under his shirt, in his jacket & also throughout his carry-on bag. When asked how much U.S. Currency he had he stated "um \$900.00" which he changed to "10,000" & later it was determined to be approximately \$19,000 cash in U.S. Currency in his possession part of which was artfully concealed under his shirt, trousers, & inside his jacket.

Action Taken MA State Troopers were summoned (Trooper Alexander #538). Mr. David Arndt was cleared to resume his travel. Screening Manager Tim Burke was notified & responded to checkpoint, where he met with acting Supervisor Robert Machado

06/24/2004 16:43 FAX 617 748 3358

Department of Justice
Drug Enforcement Administration

Page 1 of 12

REPORT OF INVESTIGATION

Program Code API 100	2. Cross File <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Related Files	3. File No. [REDACTED]	4. G-DEP Identifier [REDACTED]
By: S/A Robert Donovan At Boston, MA			6. File Title [REDACTED]	
<input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed <input type="checkbox"/> Action Requested By:			8. Date Prepared 05/10/04	
Other Officers: S/A Mike Cashman, and TFO Shawn Murray				
0. Report Re: Proffer interview of [REDACTED] on 5-7-04				

SYNOPSIS

On 5-7-04, at approximately 11:15 a.m., S/A Robert Donovan, TFO Shawn Murray, S/A Mike Cashman, Assistant United States Attorneys (AUSA) William Weinreb and Cynthia Lie conducted a Proffer interview of [REDACTED]. Also present was [REDACTED]'s legal counsel [REDACTED].

DETAILS

Reference is made to previously submitted DEA-6's made to this file title and case number.

[REDACTED] provided some background information on himself, stating that

REDACTED

Distribution: Division District Other	12. Signature (Agent) S/A Robert Donovan	13. Date 05-10-04
	14. Approved (Name and Title) Michael McCormick Group Supervisor	15. Date
Form - 6 1996)		

DEA SENSITIVE
Drug Enforcement Administration

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Previous edition dated 8/94 may be used.

**DEFENDANT'S
EXHIBIT**

D

08/24/2004 18:44 FAX 617 748 3358

U.S. Department of Justice
Drug Enforcement Administration**REPORT OF INVESTIGATION**
(Continuation)

1. File No. [REDACTED]

2. G-DEP Identifier [REDACTED]

3. File Title [REDACTED]

6. Date Prepared
05/10/04

4. Page 2 of 12

5. Program Code
API 100**REDACTED**EA Form - 6a
(Ed. 1996)**DEA SENSITIVE**~~Drug Enforcement Administration~~This report is the property of the Drug Enforcement Administration.
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U.S. Department of Justice
Drug Enforcement Administration**REPORT OF INVESTIGATION**
(Continuation)

1. File No.

2. G-DEP Identifier

3. File Title

6. Date Prepared
05/10/04**REDACTED****DEA SENSITIVE**

A Form - 6a

(Rev. 1996)

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06/24/2004 16:44 FAX 617 748 3358

U.S. Department of Justice
Drug Enforcement Administration**REPORT OF INVESTIGATION**
(Continuation)1. File No.
[REDACTED]2. G-DEP Identifier
[REDACTED]3. File Title
[REDACTED]6. Date Prepared
05/10/04

4. Page 4 of 12

5. Program Code
API 100**REDACTED**

1

DEA SENSITIVEIEA Form - 6a
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06/24/2004 16:44 FAX 817 748 3358

U.S. Department of Justice
Drug Enforcement AdministrationREPORT OF INVESTIGATION
(Continuation)

1. File No.

2. O-DEP Identifier

3. File Title

6. Date Prepared
05/10/04

4. Page 5 of 12

5. Program Code
API 100

REDACTED

2. [REDACTED] told [REDACTED] that ARNDT's screen name on MANHUNT.COM was wolfdog35. [REDACTED] then got on the WWW.MANHUNT website and discovering ARNDT online, engaged ARNDT in online chat. [REDACTED] and ARNDT arranged to meet at [REDACTED]'s residence. [REDACTED]

DEA SENSITIVE

A Form - 6a
(1-1996)

Drug Enforcement Administration

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08/24/2004 16:44 FAX 617 748 3358

U.S. Department of Justice
Drug Enforcement AdministrationREPORT OF INVESTIGATION
(Continuation)

1. File No.

2. G-DEP Identifier

3. File Title

6. Date Prepared
05/10/04Page 6 of 12
5. Program Code
API 100

██████████ knew that ARNDT was a narcotics dealer but pretended not to know because he wanted to make a connection with ARNDT for crystal methamphetamine. That meeting occurred around the first or second week of July 2003. In addition, ██████████ stated that at that time, he knew ARNDT was Dave, but it was not until later that he discovered that ARNDT was a physician.

23. During that first meeting in July 2003, ARNDT told ██████████ that he was a drug dealer, that he only sold methamphetamine and produced a large (according to ██████████, approximately 2-3 gram size) crystal rock of methamphetamine. ARNDT broke off a piece for ██████████ to have.
24. During that first meeting, ██████████ convinced ARNDT to sell him crystal methamphetamine. ARNDT told ██████████ that he would sell him an eightball (1/8 of an ounce) for \$400.00 United States Currency (USC). At this time, ██████████ related the rules ARNDT told ██████████ to follow in the drug business. ARNDT told ██████████: Never arrive at his house without calling; Always be appropriately dressed; there are certain times when ██████████ should never call; No one is to know ARNDT's name.
25. ██████████ was able to acquire the \$400.00 USC and he went to 26 Rutland Street, Boston, MA (ARNDT's residence) to purchase the eightball from ARNDT. ██████████ stated that ARNDT's residence consisted of a third and fourth floor and that ARNDT was in the process of putting on a roof deck. ARNDT made ██████████ wait downstairs in his residence for a long while. ██████████ also reported that two male individuals were present in the residence, a Rob LNU, a.k.a. Construction ROB and an Alfredo LNU. ██████████ also stated that ARNDT searched ██████████'s person before selling him any crystal methamphetamine.
6. ██████████ described the inside of ARNDT's residence as very beautiful and contained many pieces of artwork and valuable furniture. The residence had a curved stairway leading to the upper floors which contained the master bedroom, a bathroom and an office. ██████████ went on to state that he went to the upstairs office and observed ARNDT sitting at a desk, facing a computer. ██████████ told ARNDT how much he wanted and ARNDT opened a desk drawer to get the crystal

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REPORT OF INVESTIGATION

(Continuation)

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API 100

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methamphetamine. [REDACTED] stated that when ARNDT opened the drawer, [REDACTED] observed a cigar box in the drawer and inside the cigar box was a large pile of crystal methamphetamine which [REDACTED] estimated to be approximately one kilogram. The cigar box was lined with a plastic bag. ARNDT also had a tackle box behind his chair where he kept plastic bags for his customers crystal methamphetamine.

7. [REDACTED] reported that he purchased the eightball from ARNDT and in about two hours went back for another eightball, again paying \$400.00 USC. In another day or two, [REDACTED] stated that he returned to ARNDT's residence and purchased one-half ounce of crystal methamphetamine from ARNDT for \$1,600.00 USC. [REDACTED] stated that in an approximate ten day period he purchased the two eightballs, a half-ounce quantity twice, paying \$1,600.00 on both occasions and then he finally purchased a full ounce of crystal methamphetamine paying \$2,400.00 USC. [REDACTED] reported that these were ARNDT's standard prices for those quantities. ARNDT also gave [REDACTED] a small black colored scale to use because [REDACTED] did not have a scale of his own. ARNDT referred [REDACTED] to a website called www.saveonscales.com.

8. Given [REDACTED]'s purchases in that ten day period, ARNDT added more rules for [REDACTED] to follow: never sell to the friend of a friend; do not talk on the telephone; do not ever send anything through the mail; and do not be noticeable. [REDACTED] added that during those purchases from ARNDT, Alfredo LNU was always present. [REDACTED] understood that ARNDT and Alfredo LNU had an intimate relationship at one time. Rob LNU was also always present, but [REDACTED] was not sure of ARNDT and Rob LNU's relationship. [REDACTED] also stated that every time he made a purchase of crystal methamphetamine from ARNDT they used the drug as well. [REDACTED] stated that ARNDT always asked [REDACTED] to use 100 dollar bills and that if [REDACTED] would use 100's he would give [REDACTED] a break in the price.

9. [REDACTED] stated that after that initial ten day period, he purchased an ounce of crystal methamphetamine approximately every other day and then every three days, totaling approximately seven to twelve ounces. During his last ounce purchase from ARNDT, [REDACTED] purchased two

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(Continuation)

1. File No. [REDACTED]

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ounces because ARNDT told [REDACTED] he was going to shut him off. When ARNDT was first arrested, he got nervous and told [REDACTED] that he was going out of business but that [REDACTED] could still make purchases from time to time. [REDACTED] understood that to mean that ARNDT was going to shut him off.

30. During the time of those purchases, [REDACTED] did not know who was ARNDT's source of supply.

REDACTED

3. After ARNDT was bailed from jail, ARNDT told [REDACTED] about purchasing an ounce of crystal methamphetamine from a friend (possibly a psychiatrist friend) for \$1,800.00 USC an ounce and the quality was poor. At that time, a friend of ARNDT's named Bing LNU stepped in and helped ARNDT meet a friend of Bing LNU's in California.

4. [REDACTED] related that ARNDT flew to California, rented a room at the Beverly Hills Hotel and "wined and dined" the unknown male in California. ARNDT later told [REDACTED] that the California male is a chemist and makes his own crystal methamphetamine. While in California, ARNDT made a purchase of crystal methamphetamine from the unknown male and made arrangements for the unknown male to send the drugs to him. The unknown male sent the drugs to ARNDT UPS or USPS in

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(Continuation)

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a fictitious name that ARNDT made up and ARNDT was subsequently arrested.

15. At a later time, [REDACTED] asked ARNDT what happened and ARNDT told [REDACTED] that he got a room at the Chandler Inn ([REDACTED] stated that BASIL owned the Chandler Inn) and when the package arrived he came down, picked up the package and then he was stopped by the police. ARNDT stated that he told authorities that he didn't know who was getting the package, that the package was in his friends name. ARNDT specifically told [REDACTED] that the friends name was made up.

16. During the last few weeks before [REDACTED] was arrested, he and ARNDT were together everyday. [REDACTED] had given ARNDT \$500.00 USC and an eightball of crystal methamphetamine when ARNDT was first released from jail. ARNDT then began selling his furniture to [REDACTED] and [REDACTED] was paying ARNDT in crystal methamphetamine. On a few occasions, ARNDT did purchase crystal methamphetamine from [REDACTED] for Jib LNU.

17. During the time that [REDACTED] knew ARNDT, he knew ARNDT to be prescribing oxycontin to [REDACTED] and others that [REDACTED] knows. ARNDT had stockpiled oxycontin and continued to sell them even after he lost his medical license.

18. About one week before [REDACTED] was arrested, he sold ARNDT an ounce of crystal methamphetamine for \$1,800.00 which ARNDT in turn sold to Jib LNU. Also around that time, ARNDT told [REDACTED] that Alfredo LNU had left ARNDT with some of his more valuable artwork.

19. [REDACTED] stated that the crystal methamphetamine he was arrested with was to be sold in the following manner: one ounce to ARNDT for furniture, one-half ounce for [REDACTED], one quarter pound for a [REDACTED] and an ounce for a [REDACTED].

20. [REDACTED] also described several other individuals he knew during his time selling narcotics. [REDACTED]

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(Continuation)

1. File No. [REDACTED]

2. G-DEP Identifier [REDACTED]

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- [REDACTED]
1. [REDACTED] Also during the days before he was arrested, [REDACTED] related that ARNDT told him he was doing "back room doctoring." ARNDT told [REDACTED] that he was treating people who would get shot and could not or did not want to go to the hospital. [REDACTED] found out about this because on one occasion he had been trying to reach ARNDT all night long but he could not reach him. When he finally reached ARNDT the next day, ARNDT told him the story about practicing "back alley medicine." ARNDT told [REDACTED] it was a growing business.
2. At that time, the interview moved from discussing ARNDT to discussing [REDACTED]

REDACTED

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REDACTED

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(Continuation)

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2. G-DEP Identifier

3. File Title

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REDACTED

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REPORT OF INVESTIGATION (Continuation)	1. File No. CC-04-0070	2. G-DEP Identifier DGA3D
	3. File Title [REDACTED]	
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REDACTED

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E

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No. 04-10166-RGS

UNITED STATES OF AMERICA
Plaintiff

v.

DAVID ARDNT
Defendant

TRANSCRIPT OF DETENTION HEARING (PARTIAL)
BEFORE THE HONORABLE MARIANNE B. BOWLER
UNITED STATES MAGISTRATE JUDGE
HELD ON JUNE 4, 2004

APPEARANCES:

For the Government: John Wortmann, Esquire, Cynthia Lie,
Esquire, U.S. Attorney's Office, One Courthouse Square, Ste.
9200, Boston, MA 02210, (617) 748-3965.

For the Defendant: Stephen Delinsky, Esquire, Eckert, Seamans,
Cherin & Mellott, LLC, 18th Floor, One International Place,
Boston, MA 02110, (617) 342-6825.

Court Reporter:

Proceedings recorded by digital sound recording, transcript
produced by transcription service.

MARYANN V. YOUNG
Certified Court Transcriber
240 Chestnut Street
Wrentham, Massachusetts 02093
(508) 384-2003

Direct - McCaron

16

1 Q Was anyone else present during these transactions
2 according to the CW?

3 A According to CW-2, his roommate, Alfredo Fuentes, was
4 present during several of these transactions.

5 Q And what was the quality of this crystal methamphetamine?

6 A From CW's own personal experience of using it himself and
7 from his clientele, his customers, the quality was, it was very
8 good.

9 THE COURT: CW-2?

10 THE WITNESS: CW-2, yes, your Honor. It was very
11 good quality crystal methamphetamine.

12 BY MS. LIE:

13 Q And what happened to the CW-2's dealings with the
14 defendant?

15 A The last purchase that CW-2 made from Dr. Arndt was for
16 two ounces, and at that time, according to CW-2, the doctor
17 shut him off because he was getting too big, big of a dealer.

18 Q What other significant things did this CW-2 tell you about
19 the defendant?

20 A Once the doctor got arrested, CW-2 pretty much took up his
21 clientele and he developed a very good crystal methamphetamine
22 business, but after the doctor got out of Nashua Street Jail
23 after his arrest on August 8th, subsequently got out of Nashua
24 Street Jail in early October 2003, some time after, he got out
25 of Nashua Street Jail, CW-2 gave Dr. Arndt \$500 plus an eight

Direct - McCaron

17

1 ball, one-eighth ounce of crystal methamphetamine.

2 Q Did the CW-2 sell any other amounts of drugs to the
3 defendant after he got out of prison from the August 2003
4 incident?

5 A Following that initial freebee, he termed as a freebee he
6 gave to Dr. Arndt, he sold, he later sold a half ounce of
7 methamphetamine to the doctor for \$1,600 which he, which the
8 doctor in turn sold to someone else for \$1,800.

9 Q Who is this person?

10 A His name was, the CW-2 gave his name as Jib.

11 Q According to the CW-2, were there any other plans for a
12 distribution from CW-2 to the defendant after his August 2003
13 arrest?

14 A Yes, there was plans to sell Dr. Arndt an ounce of
15 methamphetamine, but those plans were interrupted because CW-2
16 got arrested in February of 2000, of this February.

17 Q Were there any other conversations that CW-2 had with the
18 defendant after the August 2003 arrest?

19 A Yes. There was conversations regarding the package that
20 was sent from California. CW-2 stated that the doctor told him
21 that he had developed a new source out in Los Angeles and that
22 he and another associate from the Boston area traveled to LA to
23 meet this, what he termed as a chemist and they made
24 arrangements to set up deals for methamphetamine.

25 Q Any deals specifically?

Direct - McCaron

18

1 A The deal specifically for the package that was
2 subsequently mailed from Los Angeles on August 6th, 2003.

3 Q Did CW-2 convey specifically what the defendant had told
4 him about the package related to the August 8th, 2003 incident?

5 A Yes. He told him that the package itself got intercepted
6 first because it was over two pounds and it had a handwritten
7 label. He also told him that the addressee, Frank Castro, was
8 just a fictitious name.

9 Q Did the CW-2 convey to you or other agents any other
10 conversations that he had, he or she had with the defendant
11 post August 2003?

12 A Yes, he did.

13 Q What was that?

14 A There was one conversation in which Dr. Arndt told CW-2
15 that he was, as the CW-2 termed "back alley medicine" where the
16 doctor was treating overdoses and gun shot victims.

17 Q Anything else that the CW-2 relayed to you or other agents
18 about conversations that the defendant and CW-2 had after
19 August 2003?

20 A At this time I can't recall.

21 Q Now, did you and other agents further corroborate the
22 defendant's drug dealing with other cooperators?

23 A Yes, they did.

24 Q And who was that?

25 MR. EGBERT: Judge, could that be reframed? Instead

F

The Book - March 2002

DAILY TO DO LIST ↑

WV

Get 491 6766

300 Mt Auburn St
Suite 416
Cambridge MA 02238

* Put product into storage &

- Rafael pick up product

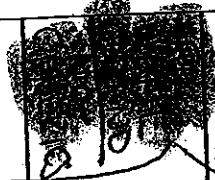

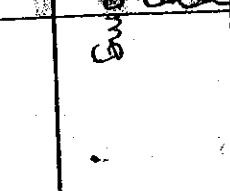
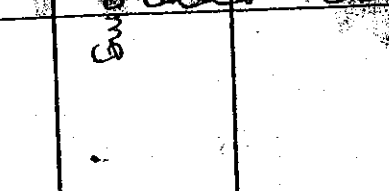
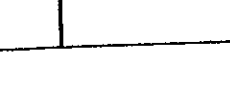
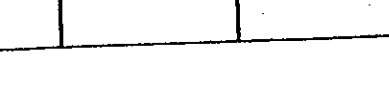
- Robbie 50g
- Gary 100g
- Woody 50g ? said used
- Ricky 50g
- Mike 1 ?
- Alex / Fionne 40 Tix

SUNDAY

Look @ Motorcycles
Cars Porsche, Jag
Mercedes, Audi,
BMW

Jewel		Lynch		Kaiser	
+ 300	3.0 = 240	Collect	100	100	35 per
	70 = 350				100

WEEKLY PLAN

MEDS:		Name + Strength
		
		
		

1/10	total
------	-------

180	1
-----	---

8	1
---	---

0	1
---	---

1050	—
1050	55

108

1 keas day \rightarrow 350

3503

2003 3 575

A coordinate plane with x and y axes ranging from -4 to 4. A line is graphed passing through the points (-2, 0), (0, 1), and (2, 2). The line has a positive slope of 1/2 and a y-intercept of 1.

6114

575

72

125

ED → 5:00pm?

• Justin?

• Paul (700 owed)

USCIS
to pay

• Robbie?

* Robin Bradley → 4pm call
2.5c, 1k, 5pk

E 370

3.4/5

4/15

• Lisa! check

CALL FOR Appointment

205

$$1.50 \times 150 \text{ pill} = 225$$

PS 10ml/325

• normally course @ 7.5/625 = 5 days

12/day

$$PS = 6/\text{day} \times 30 = 180$$

Pick-up - Macy's → 4:15pm

Sk 250

4/27/02

NEW SUBSTITUTES

$$6\text{AM} \times 30 = 180$$

(1 month supply 2 per 115)

Percent

10/325

115 (60)

60 X 1000 2000 135

60 1/4 15 1000

1.

7k 350

2.

35 pl 22 225

3.

was 1 piece of choice
said OC was fine

• matte 100 Licks @ 40
4000 ✓

• DATA Run!

• Paul M.

• Gray G ⇒ Yellow

Robbie 1 50K! 1000

1:30 ? Dave Burned Treasures
 4/60 2/60 Mr. Bottles Perform
 2/60 16/80 BAGGERS
 16/80 Scale
 → Celeste has Apartment
 Carl → Paul Sobu
 Anthony → 60 pin for Trade
 Paul Mootrey Trade 100 for 100
 \$250 V-ES = 875
 (one Patrick if more?)
 Alex wants 1/4 C for 350
 Jeff my Jeff not help seeing plus want him
~~Raphael~~ the war also special - remember here
 → cake
 Paul Lombardi Scripts Anthony dump
 Rob D / Paul for 60 + the k's
 Matty saw new for chiltimes
 Billy Murphy work 236-1555
 cell 816 8387
 Nairi - 1 zanne = 28-6065
 Patrick Rorote VIC ? + 250 VIC
 1 GORON + Anthony - 1 of new batch
 Ricky = DEBS = Pete - MATT

BLUE
 14 to Dave
 would be
 best
 11

Telephone (617) 491-6766

David C. Arndt, M.D.

CAMBRIDGE, MA 02238

300 MT. AUBURN ST., SUITE 416

NAME _____

AGE _____

ADDRESS _____

DATE _____

R

M.D.

DEA#:

REFILL

NR

TIMES

INTERCHANGE IS MANDATED UNLESS THE PRACTITIONER
WRITES THE WORDS "NO SUBSTITUTION" IN THIS SPACE

Telephone (617) 491-6766

David C. Arndt, M.D.

300 MT. AUBURN ST., SUITE 416

CAMBRIDGE, MA 02238

NAME _____ AGE _____

ADDRESS _____ DATE _____

R

M.D.

DEAF:

REFILL NR TIMES

INTERCHANGE IS MANDATED UNLESS THE PRACTITIONER
WRITES THE WORDS "NO SUBSTITUTION" IN THIS SPACE